

Message Text

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ACTION HEW-08

INFO OCT-01 EA-11 ISO-00 AGR-20 EB-11 COME-00 L-03 TRSE-00

OMB-01 DRC-01 /056 W

----- 010414

R 160705Z NOV 73

FM AMEMBASSY TOKYO

TO SECSTATE WASHDC 8238

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E.O. 11652: N/A

TAGS: ETRD, EGEN

SUBJECT: STANDARDS - A POSSIBLE APPROACH TO THIS PROBLEM

SUMMARY: JAPANESE MINISTRY OF HEALTH AND WELFARE (MHW) CURRENTLY INTERESTED IN CONSULTATIONS WITH U.S. DEPARTMENT OF HEALTH, EDUCATION AND WELFARE (HEW) AND MORE SPECIFICALLY WITH FOOD AND DRUG ADMINISTRATION (FDA). EMBASSY BELIEVES THIS INTEREST MIGHT BE EXPLOITED TO DEVELOP DISCUSSIONS ON MUTUAL ACCEPTANCE OF FOOD ADDITIVE CERTIFICATION AND LEVEL OF HEAVY METAL CONTENT. END SUMMARY.

1. QUESTION OF STANDARDS -- DEGREE TO WHICH DIFFERING STANDARDS AND APPROVAL PROCEDURES AFFECT POTENTIAL U.S. EXPORTS TO JAPAN AND BEST METHOD OF APPROACHING PROBLEM -- HAS BEEN SUBJECT OF CONSIDERABLE INTEREST AND CONCERN TO EMBASSY FOR MORE THAN A YEAR. WE ARE AWARE THAT THIS TOPIC WILL BE ONE OF ITEMS CONSIDERED IN MTN AND THAT ANY BILATERAL INITIATIVES WE MIGHT UNDERTAKE WOULD HAVE TO BE TAILORED TO AVOID CONFLICT WITH DISCUSSIONS OR ARRANGEMENTS GOING FORWARD IN GENEVA. HOWEVER, SINCE CONCLUSION OF MTN AGREEMENTS APPEAR TO BE AT BEST TWO YEARS AWAY AND SINCE DIFFERING STANDARDS ARE CAUSING CONCERN AND ARE IMPEDING EFFORTS OF U.S. BUSINESSMEN WISHING TO SELL TO JAPAN AT PRESENT TIME, EMBASSY BELIEVES IT WOULD BE USEFUL TO EXPLORE AND EXPLOIT ANY BILATERAL AVENUES AVAILABLE WHICH MIGHT EASE THESE PROBLEMS.

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2. EMBASSY'S ECONOMIC/COMMERCIAL SECTION HAS CONSIDERED THE

POSSIBILITY OF ESTABLISHMENT OF GROUP OF EXPERTS, U.S. AND JAPANESE, WHICH WOULD BE CHARGED WITH CONSIDERATION OF ENTIRE RANGE OF PROBLEMS INVOLVED IN STANDARDS QUESTION AND WITH RECOMMENDATION OF MEANS TO RESOLVE AREAS OF DIFFERENCE. IT IS APPARENT, HOWEVER, THAT BUREAUCRATIC DIFFICULTIES OF SUCH AN APPROACH IN JAPAN WHERE RESPONSIBILITIES OF SUCH A BODY WOULD CUT ACROSS DOMAINS OF SEVERAL MINISTRIES, ARGUE AGAINST SUCH A COURSE. IN LIGHT OF THESE CONSIDERATIONS, EMBASSY BELIEVES STANDARDS PROBLEMS SHOULD BE TACKLED IN ITS VARIOUS PARTS AS OPPORTUNITIES ARISE.

3. ONE MAJOR AREA OF CONCERN, PARTICULARLY IN SALE OF PROCESSED FOODS TO JAPAN, IS THAT OF FOOD ADDITIVES. JAPANESE PROCEDURE FOR APPROVAL OF NEW ADDITIVES IS TIME CONSUMING AND OFTEN PREVENTS U.S. SUPPLIERS FROM TAKING ADVANTAGE OF NEW TRENDS OR FADS IN PROCESSED FOODS AT TIME MOST APPROPRIATE FOR ESTABLISHING POSITION IN NEW MARKET. SECOND AREA FOR POSSIBLE CONSIDERATION WOULD BE LEVELS OF HEAVY METAL CONTENT ALLOWABLE IN PROCESSED FOODS. IN ONE RECENT CASE, AMERICAN MANUFACTURER OF VEGETABLE JUICE SUFFERED CONSIDERABLE EXPENSE AND LOSS OF MARKET BECAUSE OF JAPANESE REGULATIONS. SITUATION IN THIS AREA COMPLICATED BY FACT THAT TESTING AND ENFORCEMENT OF ACCEPTABLE LEVELS CAN BE DONE AT EITHER NATIONAL OR PREFECTURAL LEVEL.

4. EMBASSY HAS RECENTLY LEARNED OF CORRESPONDENCE BETWEEN AGENCIES OF USG AND GOJ THAT HAS POTENTIAL FOR DEVELOPMENT AS FORUM TO DISCUSS BOTH FOOD ADDITIVES AND HEAVY METALS PROBLEMS. IN MAKING HIS ROUND OF CALLS AT VARIOUS GOVERNMENT OFFICES, EMBASSY'S NEW SCIENCE COUNSELOR MET MAMORU TSUNASHIMA, DIRECTOR, INTERNATIONAL AFFAIRS DIVISION, MHW. TSUNASHIMA STATED THAT EARLY THIS YEAR HEW HAD PROPOSED TO MHW THAT A FOUR-MAN TEAM FROM FDA VISIT JAPAN TO MEET RESPONSIBLE OFFICIALS IN MHW AND TO DISCUSS SPECIFIC AREAS FOR COOPERATION AND EXCHANGE OF INFORMATION. DUE TO VARIOUS FACTORS, VISIT DID NOT TAKE PLACE. TSUNASHIMA INDICATED THAT THERE WAS STILL CONSIDERABLE INTEREST WITHIN HIS MINISTRY FOR ENTERING INTO SUCH AN ARRANGEMENT WITH HEW. HE SAID, HOWEVER, THAT HE THOUGHT BALL PRESENTLY IN U.S. COURT.

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5. EMBASSY HAS REVIEWED MEW/MHW CORRESPONDENCE ON THIS MATTER AND IS AWARE THAT AREAS FOR CONSIDERATION DURING PROPOSED VISIT WERE GENERAL IN NATION AND DID NOT FOCUS SPECIFICALLY UPON MATTERS OF CONCERN IN TRADE FIELD. HOWEVER, SUCH ITEMS AS PRESERVATIVES AND HEAVY METALS IN FOOD WERE INCLUDED FOR CONSIDERATION. THUS, IT APPEARS THAT THERE IS REASON TO BELIEVE THAT, WITH APPROPRIATE

SUGGESTIONS FROM U.S. SIDE, DISCUSSIONS COULD BE DIRECTED INTO THOSE AREAS OF PRINCIPAL CONCERN TO U.S. BUSINESS. JAPANESE SIDE APPARENTLY DOES NOT SEE CONSULTATIONS AS MEANS OF RESOLVING STANDARDS PROBLEMS AT PRESENT AND EMBASSY BELIEVES BEST COURSE FOR U.S. WOULD BE TO ESTABLISH DIALOGUE FIRST AND TO ATTEMPT TO DEVELOP DISCUSSIONS INTO PROBLEM-SOLVING FORUM AS TALKS PROGRESS.

6. EMBASSY BELIEVES IT WOULD BE IN U.S. INTEREST TO TAKE ADVANTAGE OF THIS PERCEIVED OPPORTUNITY AND REQUESTS DEPARTMENT AND HEW, IN CONSULTATION WITH USDA, CONSIDER POSSIBILITY OF BREATHING NEW LIFE INTO PROPOSED CONSULTATIONS BETWEEN HEW AND MHW. IF WASHINGTON REACTION FAVORABLE, EMBASSY PREPARED MOVE AHEAD WITH RECOMMENDATIONS ON INITIAL AGENDA AND TO ASSIST WITH VISIT.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 16 NOV 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: golinofr
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973TOKYO15009
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: n/a
From: TOKYO
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19731128/aaaaatzq.tel
Line Count: 131
Locator: TEXT ON-LINE
Office: ACTION HEW
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: golinofr
Review Comment: n/a
Review Content Flags:
Review Date: 15 NOV 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <15-Nov-2001 by willialc>; APPROVED <06 MAR 2002 by golinofr>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: STANDARDS - A POSSIBLE APPROACH TO THIS PROBLEM SUMMARY: JAPANESE MINISTRY OF HEALTH AND WELFARE (MHW)
TAGS: ETRD, EGEN
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005